

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
1998 Biennial Regulatory Review –)
Amendment of Parts 2, 25 and 68 of the)
Commission's Rules to Further Streamline)
the Equipment Authorization Process for)
Radio Frequency Equipment, Modify the)
Equipment Authorization Process for)
Telephone Terminal Equipment, Implement)
Mutual Recognition Agreements and Begin)
Implementation of the Global Mobile Personal)
Communications by Satellite (GMPCS))
Arrangements)

GEN Docket No. 98-68

To: The Commission

COMMENTS

Final Analysis Communication Services, Inc. ("Final Analysis"), by its attorneys, hereby submits its comments on the above-captioned notice to streamline the rules and authorization process for global mobile personal communications by satellites.¹ For the reasons discussed below, Final Analysis supports the amendments proposed in the Notice, and urges the Commission to adopt rules that will minimize the burden of equipment certification and registration programs on manufacturers, and that will speed the introduction of new GMPCS equipment and services to market.

Final Analysis is building and preparing to launch and operate a worldwide, digital low earth orbit satellite telecommunications system that will offer low-cost, high-quality

¹ See Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements, Notice of Proposed Rulemaking, GEN Docket No. 98-68, FCC 98-92, (released May 18, 1998) ("Notice").

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two-way data transmission services such as paging, e-mail, data acquisition, fixed and mobile asset tracking and position location determination. Final Analysis has also launched two satellites under FCC experimental licenses.²

Final Analysis has actively participated in both domestic and international forums to establish and optimize policies for GMPCS. For example, Final Analysis was one of 19 sponsors of the International Telecommunication Union's (ITU) first World Telecommunication Policy Forum (WTPF-96) on the theme of global mobile personal communications by satellite, and has continued to participate in subsequent forums on GMPCS. Final Analysis was also one of the first companies to sign the GMPCS Memorandum of Understanding (GMPCS-MoU). As part of its ongoing commitment to the development of pro-competitive rules, regulations and policies for GMPCS, Final Analysis has submitted comments to the ITU on key issues, including the GMPCS-MoU registry proposal. In light of Final Analysis's long-term plans to deploy a global Little Leo system and its ongoing experimental licensing and advocacy efforts before the FCC and in international arenas, Final Analysis has a significant stake in this proceeding.

Final Analysis supports the Commission's proposal to allow the private sector to approve equipment, to eliminate the need to wait for Commission approval before equipment is marketed in the United States, Europe and the rest of the World, and to streamline the Part 68 registration program generally. Final Analysis commends the Commission for its endeavors to minimize the burden of equipment certification and registration programs on manufacturers and its recognition that there are further steps that it can take to further reduce that burden.

² Final Analysis launched its first satellite, FAISAT-1, under an FCC experimental license in 1995, and its second satellite, FAISAT-2V, under an FCC experimental license in 1997.

Adoption of rules designed to achieve the goals set forth in the Notice would speed the delivery of satellite-based data messaging services to the public and foster greater competition in GMPCS without harming the telecommunications network or posing a greater risk of interference. Final Analysis urges the Commission to simplify and streamline its rules to the greatest extent possible, because the public interest would best be served by allowing the industry to adapt quickly to constant developments in satellite technology through manufacturer self-approval. By eliminating delays in bringing products to market, the Commission would benefit consumers in both developed and developing countries.

The strong justifications for further streamlining and simplifying the equipment certification and registration process for Big Leo systems are perhaps even stronger for Little Leo systems. First, Little Leo systems project the use of higher volumes of user terminals than Big Leo systems. One independent study estimates 43 million user terminals within six years of the launch of the competitive Little Leo industry in only five market segments. In the utility market, for example, Final Analysis expects volume buys of low-cost terminals for automated meter reading which could reach a million terminals or more in a single customer order. Moreover, Little Leo systems, which provide two-way data transmission services, may face a proliferation of different types of equipment designed to meet industry-specific data communications needs. The greater the quantity and variety of equipment used by GMPCS systems, the greater the benefit to be gained by streamlining and simplifying the equipment certification and registration process.

Final Analysis notes that the rules proposed in the Notice are interim and will be in effect until the Commission completes its general review of its rules to determine whether, and to what extent, they may need to be amended to implement the final provisions outlined in the

GMPCS-MoU arrangements.³ At this time, Final Analysis would like to express its support for the marking scheme for GMPCS equipment that would enable data terminals easily to transit borders without customs restrictions or fees. Final Analysis also supports the ITU's role as registry and its proposed cost recovery model for the first six-month start-up phase. However, Final Analysis strongly opposes any royalty fee by the ITU on the use of the ITU registry mark. Such fees would increase the burden on manufacturers and GMPCS service providers as well as increase the costs paid by consumers, all of which is contrary to the goals the Commission expressed in the Notice.


³ See Notice at ¶¶37-46.

CONCLUSION

For the reasons discussed above, Final Analysis urges the Commission to adopt the procedures proposed in the Notice. Adoption of these proposals will facilitate swift implementation of fully competitive Little Leo systems that offer extremely affordable services to the public, which is in the public interest.

Respectfully submitted,

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